

CORRECTIONS ONTARIO:

Probation



When Pete was told by the Judge that he was being put on probation for 2 years, it seemed like a very long time. But it meant the judge was giving him a chance to prove he wouldn't be in trouble again. The next time might mean a prison sentence for Pete.



Ministry of
Correctional
Services

Honourable Nicholas G. Leluk,
Minister

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PROBATION REPORTING

Pete was sitting with his girlfriend Joan in the office where he came once a month to report to his probation officer.

He'd asked Joan along because he was always nervous. Sometimes Mr. Collins couldn't see him immediately and Pete sat in the waiting room, his mouth becoming dry and the palms of his hands sweating, even though he knew he was following the rules of his probation order and had nothing to worry about.

Joan was trying to keep Pete's mind off his interview by talking a lot, but when she referred to Pete as being on parole, he became annoyed at her.

"Will you stop saying I'm on parole," Pete told her. "I wasn't sentenced to serve any time in jail. The judge told me he'd give me a chance to prove myself and he put me on probation."

During his first visit to Mr. Collins's office, Pete had been somewhat resentful as he listened to Mr. Collins outlining the rules he would have to obey for the next 2 years. But after a few visits, Pete began to realize Mr. Collins was really trying to help him.

A FIRST OFFENCE

Pete, who was 18 years old, was arrested as he ran from the warehouse where he had stolen transistor radios.

He was taken to the police station and questioned. Because he was caught with the stolen property in his possession, he was charged immediately with break, enter and theft and was photographed and fingerprinted.

Pete was released and told to appear in court for trial at 10 a.m. the following Tuesday.

He had a choice of pleading guilty or not guilty.

WAITING TO BE CALLED BEFORE A JUDGE

When Pete arrived at the courthouse, he found his name on a list with 30 to 40 other names, taped to the wall outside the courtroom door.

The waiting area was depressing, with its dull beige paint

and the strong odour of sweating bodies. Sitting there, Pete was shocked as one young person after another arrived. Some were handcuffed and were escorted by police.

As the day wore on, Pete went over in his mind what the judge might ask and what he would reply. After a while, his thoughts stopped making sense and he even began to wonder if the break-in had really happened. It all seemed like a bad dream.

IN THE COURTROOM

Pete got tired of waiting with nothing to do, so he decided to go into the courtroom.

When he entered, the judge was passing sentence on a teen-ager who stood in the prisoners' dock behind a sheet of security glass.

Although Pete felt sorry for the youth, he was too tense about his own situation to worry about someone else.

A man called his name and Pete stood up. He was told to come forward. A man began reading from the papers in front of him. "...you are charged with... How do you plead?"

Pete replied, "Well, I did it, so I'm guilty." Another man, the crown attorney, told the judge what was in the police report.

The judge looked down at Pete and asked him a few questions about his schooling, his employment record, and his parents. Then he told him:

"I've decided to request a presentence report. That is a detailed study of your standing in the community, and it will help me to make a decision about your immediate future. I want you to appear before me 3 weeks from today. Do you understand?"

"Yes, sir." Pete was dismayed when he realized he had another 3 weeks to wait before he knew what his sentence would be.

PRESENTENCE REPORT AND SECOND COURT APPEARANCE

A probation officer from the probation/parole office near the courthouse was requested to complete a presentence report on Pete.

The officer contacted Pete's parents, his school principal and teachers, and his employer.

If Pete had had previous offences, or if his family had been involved with the Children's Aid Society or other social agency, these would have been on the officer's list of contacts.

The officer decided that since Pete had not been in trouble before, he would recommend to the judge that Pete be placed on probation.

Pete was allowed to read the presentence report just before he went into court again; the duty counsel read it as well.

"I've decided to put you on probation for 2 years," said the judge. "You will be required to respect a curfew--you will be home each evening by 11 p.m. You will also report once a week to your probation officer until you are told to decrease your reporting to once a month."

THE RULES OF PROBATION

Because Pete's crime was committed during the night, the judge decided to enforce an evening curfew.

Factors which helped the judge to decide on probation rather than a prison term for Pete were that it was a first offence, was a theft under \$200, Pete had no previous criminal history, and he lived with his parents.

More than half of the reported crime in our society is committed by young persons between the ages of 16 and 25; the courts tend to be lenient with non-violent first offenders and not send them to prison. For many, the shock of a court appearance and the regulations imposed by probation are enough to keep them from ever committing another crime.

A probationer is expected to report on a regular basis to a probation officer, or volunteer officer, at least once a month. Any proposed change of address must be reported. The officer must give permission for any stay away from home, including a vacation or a change of job.

The restrictions placed on a probationer's activities may be gradually reduced if he behaves in a responsible manner.

A breach of a probation order may mean being charged with an offence under the Criminal Code and a maximum prison sentence of 6 months.